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FEDERAL COMMUNICATIONS COMMISSION
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In The Matter of)

Administration of the North)
American Numbering Plan Carrier)
Identification Codes (CICs))

CC Docket No. 92-237

**Comments of The
Telecommunications Resellers Association**

The Telecommunications Resellers Association ("TRA"),¹ through undersigned counsel and pursuant to *Public Notice*, DA 98-591 (released March 26, 1998) ("*Notice*"), hereby submits its comments in support of *ex parte* filings submitted in the captioned proceeding by MCI Communications Corporation ("MCI")² and VarTec Telecom, Inc. ("VarTec")³, respectively on

¹ A national trade association, TRA represents more than 650 entities engaged in, or providing products and services in support of, telecommunications resale. TRA was created, and carries a continuing mandate, to foster and promote telecommunications resale, to support the telecommunications resale industry and to protect and further the interests of entities engaged in the resale of telecommunications services. A growing number of TRA's resale carrier members provide callers the option of using 10XXX access to utilize their services. As MCI notes, between one and two billion dollars of 10XXX traffic was carried by carriers other than AT&T Corp. ("AT&T"), MCI and Sprint Corp. ("Sprint") in 1996.

² Letter from Jonathan B. Sallet, Chief Policy Counsel, MCI Communications Corporation, to Richard Metzger, Chief, Common Carrier Bureau, Federal Communications Commission, dated March 17, 1998, filed in CC Docket No. 92-237.

³ Letter from James U. Troup to Geraldine Matise, Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, dated March 23, 1998, filed in CC Docket No. 92-237.

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March 17, 1998, and March 23, 1998, addressing, among other things,⁴ (i) the recording callers will hear in the event that they dial a 5-digit carrier access code ("CAC") following the elimination of 3-digit carrier identification codes ("CIC"), and (ii) the use by local exchange carriers ("LECs") of special information tones ("SITs") to introduce that recording.

Noting the Commission's commitment to "resolve any disputes arising from parties' inability to reach agreement on such matters,"⁵ MCI asks the Commission to address an industry impasse regarding the text of the intercept message that will be used by LECs to inform callers that the 5-digit CAC they dialed can no longer be used to complete calls. The standard intercept message adopted by the Network Interconnection and Interoperability Forum ("NIIF") of the Carrier Liaison Committee⁶ reads as follows:

Your call cannot be completed as dialed. If you dialed a 5 digit code, it has changed. Please redial adding a one or a zero before the 5 digit code, or for assistance contact the carrier you are trying to use.⁷

MCI would modify this message by eliminating the initial sentence, reasoning that many callers will hang up upon hearing that their calls cannot be completed as dialed without listening to the

⁴ In its *ex parte* letter, MCI also urges the Commission to extend until February, 1999 the period during which both 3- and 4-digit CICs must be accommodated by LEC switches, and to confirm that LECs may not initiate blocking of 3-digit CICs until the full permissive dialing period has expired. While TRA strongly endorses both of these recommendations, the *Notice* indicates that matters regarding the transition from 3- to 4- digit CICs will be addressed in a separate proceeding.

⁵ Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), 12 FCC Rcd. 17876, ¶ 26 (1997), *pet. for rev. pending sub nom. VarTec Telecom, Inc. v. FCC*, Case No. 1706 (Nov. 26 1997).

⁶ The Carrier Liaison Committee is sponsored by the Alliance for Telecommunications Industry Solutions ("ATIS"), an American National Standards Institute ("ANSI") accredited standards body.

⁷ NIIF Issue Identification Form, Issue #0078: 3 Digit CIC (5 Digit CAC) Announcement (Feb. 11, 1998).

remainder of the message. This problem, MCI argues, will be exacerbated by use of SITs which tend to prompt the same form of customer behavior.

TRA agrees with MCI that the initial sentence of the NIIF-proposed standard intercept message is unnecessary and that in conjunction with LEC use of SITs will competitively disadvantage providers of "dial around" services, as well as interexchange carriers ("IXCs") serving the intraLATA toll market without benefit of "1+" access. Critically, this adverse competitive impact will be felt most directly by smaller carriers which constitute the vast majority of "dial around" providers.

As MCI correctly points out, use of SITs and the initial sentence of the NIIF-proposed standard intercept message is unnecessary; callers will know that their calls have not been completed when they hear an intercept message.⁸ Moreover, LEC use of SITs, in conjunction with the initial sentence of the NIIF-proposed standard intercept message, will often defeat the primary purpose of the intercept message which is to provide callers with the information necessary to complete their calls. As described by the Commission, the purpose of the intercept message is "customer education" -- *i.e.*, to "explain[] that a dialing pattern change has occurred and [to] instruct[] the caller to contact its IXC for further information."⁹ Obviously, this latter purpose will not be achieved

⁸ While it could be argued that the more abbreviated intercept message proposed by MCI might confuse callers that dial an incorrect 7-digit CAC, the greater percentage of intercepted calls will undoubtedly be placed by callers trying to use outdated 5-digit CACs and it is to this group of callers that the intercept message should be directed. Moreover, the message proposed by MCI also suggests that callers contact the carrier they are trying to use which provides all callers with a means of remedying any confusion. Finally, merely informing a caller that his or her call could not be completed as dialed would not provide the confused caller attempting to use a 7-digit CAC with any additional assistance.

⁹ Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), 12 FCC Rcd. 17876 at ¶ 26.

if the caller, upon hearing the SITs, or having been informed that his or her call cannot be completed as dialed, immediately discontinues the call.

More troubling to TRA is the potential anticompetitive impact of LEC use of SITs and the NIIF-proposed intercept message. TRA agrees with MCI that these elements, individually and collectively, will discourage callers from using 10XXX access, thereby competitively disadvantaging "dial around" service providers in all toll markets. The most immediate adverse impacts, however, will be felt in the intraLATA toll market where IXC's are often forced to compete exclusively through 10XXX access. Obviously, carriers that must compete using access codes are already competitively disadvantaged;¹⁰ this disadvantage would be worsened considerably if callers were affirmatively discouraged from placing calls using 10XXX access.

As MCI points out, the Commission directed LECs to offer a standard intercept message and to "consult with IXC's *and reach agreement on the content of the message* and on the period of time during which the message will be provided."¹¹ The Commission further committed to "resolve any disputes arising from parties' inability to reach agreement on such matters."¹² TRA submits that Commission intervention is warranted here. LECs should not be permitted to

¹⁰ "The history of competition in the interexchange market illustrates the critical importance of dialing parity to the successful introduction of competition in telecommunications markets." Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd. 15499, ¶ 17 (1996), *recon.* 11 FCC Rcd. 13042 (1996), *further recon.* 11 FCC Rcd. 19738 (1996), *further recon.*, FCC 97-295 (Oct. 2, 1997), *aff'd in part, vacated in part sub. nom. Iowa Utilities Board v. FCC*, 120 F.3d 753 (1997), *modified* 120 F.3d 820 (8th Cir. 1997), *cert. granted sub. nom. AT&T Corp. v. Iowa Utilities Board* (Nov. 17, 1997), *pet. for rev. pending sub. nom., Southwestern Bell Telephone Co. v. FCC*, Case No. 97-3389 (Sept. 5, 1997), *pet. for cert. pending*.

¹¹ Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), 12 FCC Rcd. 17876 at ¶ 26 (emphasis added).

¹² Id.

unilaterally dictate the text of the standard intercept message, particularly when the proposed message would competitively advantage them and disadvantage others. TRA agrees with MCI that in order to render the standard intercept message competitively neutral, the Commission should mandate the elimination of the first sentence of the NIIF-proposed message and prohibit LEC use of SITs to introduce that message.

TRA also shares VarTec's concerns over the announced intention of certain LECs not to use an industry-wide standard intercept message or to deploy that message in all central offices.¹³ The Commission directed all LECs to develop, in conjunction with IXCs, and utilize "a standard intercept message."¹⁴ Accordingly, use of the standard intercept message is mandatory, not discretionary. TRA agrees with VarTec that LEC full or partial failure to use the standard intercept message would hinder customer education regarding the replacement of 5-digit CACs with 7-digit CACs, exacerbating an already difficult problem for "dial around" providers. Moreover, anything other than mandatory use of the standard intercept message would allow for strategic manipulation of the transition from 3- to 4-digit CICs for anticompetitive purposes.

¹³ E.g., GTE, Sprint (Local Telephone Division) and Southern New England Telephone Company.

¹⁴ Id.

By reason of the foregoing, TRA urges the Commission to prescribe an intercept message consistent with that proposed by MCI, mandate its use by all LECs in all central offices, and prohibit the use of SITs in conjunction with the prescribed standard intercept message. Like MCI and VarTec, TRA urges the Commission to act promptly to ensure adequate time for deployment of the prescribed intercept message.

Respectfully submitted,

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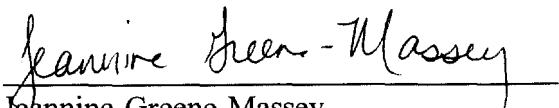
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